Attorney Docket No. 088305-0145

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Timothy Allen SHEAR

Title: AUTOMATED METHOD, SYSTEM AND SOFTWARE FOR STORING
               DATA IN A GENERAL FORMAT IN A GLOBAL NETWORK

Appl. No.:   10/042,260

Filing Date: 01/11/2002

Examiner: Kyle R. Stork

Art Unit: 2178

REPLY BRIEF UNDER 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant stands by his Appeal Brief and all of the various distinctions listed therein. However, Appellant wishes to respond to several arguments made in the Examiner's Answer dated May 22, 2007.

On page 10 of the Examiner's Answer (in the Response to Arguments section), it states that "IBM discloses a document being parsed into a node set. Therefore, the appellant's argument that Kirkbride fails to teach parsing a received document into a constituent node (page 7) is irrelevant, as Kirkbride is not relied upon to teach such a limitation. Instead, Kirkbride is relied upon to disclose automatically triggering a propagation of an event over a network, to a registered partner on the global commerce network, wherein the predetermined event is an update of the node set that is derived from a document previously sent by the registered partner. Which Kirkbride discloses (column 4, lines 29-47.)"

WASH_1914870.1

In reply, the combination of the IBM TDB and Kirkbride teaches a document that is stored as nodes in a storage (based on teachings of IBM TDB), whereby a change in the document is notified to all users stored in a list (based on the teachings of Kirkbride). This says nothing about an ***update*** that is ***derived*** from a ***document previously sent*** by a ***trading partner***. Rather, Kirkbride merely describes a method in which, when a solution document is updated or changed, all users on a list of users are notified of the change (see column 4, lines 29-47 of Kirkbride). The change of the solution document in Kirkbride is <u>not</u> derived from a document **previously sent by a trading partner** (or by any other entity for that matter), and thus it fails to meet the specific features recited in claim 1.

Also, column 4, lines 29-47 of Kirkbride describes the mapping between a user table register 25 and an incident solution in a data base 27, whereby this linkage maintains a list of all users who have an interest in a specific document, thereby enabling notification of users when a change or update to the document is created. Thus, the updating performed in Kirkbride is the **updating of an incident solution**, and not an updating of a node set.

Furthermore, column 4, lines 19-28 of Kirkbride describes that "each record in incident table register 23 relating to the present inquiry is mapped to a document solution in acyclic graph data base 27", whereby this says nothing about mapping data to a constituent node of a node set parsed from a received document. Accordingly, it is clear that Kirkbride's updating of an incident solution to various users does not correspond to automatically triggering a propagation of an "updating of a node set that has been derived from a document previously sent by a registered partner" event on a node set to the registered partner on a global commerce network.

With respect to the statements made on pages 12 and 13 of the Examiner's Answer concerning claims 12, 13, 32 and 33, claims 12 and 32, recite a step of: "appending at least one node of said node set of said received second document to said document previously stored in said data store."

Page 12 of the Examiner's Answer asserts that "the indexed data tree [of the IBM document] is expanded by appending", and thus meets the specific features of claims 12 and 32 recited above. Appellant respectfully disagrees. Namely, in the IBM document, when another document is stored with tags as nodes, for later retrieval of that document, an expansion tree is created "by tracing arcs of a style

graph starting from a root node, whereby each node in the expansion tree corresponds to a tag in an imaginary, and possibly infinite, markup document containing all possible components allowed by the style." This creation of an expansion tree in the IBM document does not correspond in any way, shape or form to **appending at least one node of the node set of a second document (that has been received) to another document previously stored in a data store**.

Concerning the comments, made on page 12 of the Examiner's Answer concerning claims 13 and 33, those claims recite a step of: "triggering a propagation of an event to the registered partner, over the global commerce network, by the storing or appending of at least one of said nodes of said second document stored in said data store."

Page 12 of the Examiner's Answer points to column 4, lines 29-47 of Kirkbride for allegedly teaching the above features of claims 13 and 33, but Appellant respectfully disagrees. Namely, column 4, lines 29-47 of Kirkbride describes the mapping between a user table register 25 and an incident solution in a data base 27, whereby this linkage maintains a list of all users who have an interest in a specific document, thereby enabling notification of users when a change or update to the document is created. There is nothing in this portion of Kirkbride concerning the triggering of a propagation of an event to a registered partner by the storing or appending of at least one node of a second document stored in a data store. That is, when an already-stored document has been changed or updated in the system of Kirkbride, users are notified of that change or update; however, this does not correspond to a second document being received and its node set being stored, whereby that reception and storing event causes a triggering of a propagation of an event to a registered partner.

CONCLUSION

In view of above, appellants respectfully solicit the Honorable Board of Patent Appeals and Interferences to reverse the rejections of the pending claims and pass this application on to allowance.

> Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

Date _June 26, 2007_   By _Phillip J. Articola_

FOLEY & LARDNER LLP   William T. Ellis
Customer Number: 22428   Registration No. 26,874
Telephone: (202) 672-5300
Facsimile: (202) 672-5399   Phillip J. Articola
                                        Registration No. 38,819

                                        Attorneys for Applicants